

REMARKS

Applicant hereby elects, with traverse, the claims of proposed Group I (claims 1-14, 24-38, 53 and 55-69), allegedly drawn to a heat exchanger, for prosecution in the subject application.

It is only proper to require restriction between patentably distinct inventions if there would be a serious burden on the Examiner if restriction is not required. *See* MPEP § 803(A) and (B) (referring to MPEP § 803.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02). It is respectfully submitted that no serious burden would be placed on the Examiner to examine the claims of Groups I and II together.

Claims 39-49 are not addressed in the Restriction Requirement. Applicant requests clarification as to in which Group these claims belong.

Applicant has canceled claim 51. Applicant has amended claims 15, 39, 50 and 52 so that they depend from claim 1. Support for these amendments is found in the claims as filed. No new matter was added by these amendments. Applicant requests that the claims of Group II, as amended, be examined upon the allowance of claim 1.

Applicant reserves the right to file divisional applications directed to the subject matter of the non-elected claims. Receipt of the initial Office Action on the merits is awaited.

If there are any fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 50-1067. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

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